

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Kevin Wayne McDaniels, #14256-171,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 1:09-1732-TLW-SVH
	)	
S.C. Dept. of Corrections <u>et. al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Plaintiff, Kevin Wayne McDaniels (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983. (Doc. #1). The plaintiff filed an amended complaint on August 10, 2009. (Doc. #22). This case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the United States Magistrate Judge to whom this case is assigned. (Doc. #191). In the Report, the Magistrate Judge recommends that the plaintiff’s Motion for Contempt of Court Requesting Compensatory and Punitive Damages, (Doc. #54), be denied; the plaintiff’s Motion for Compensatory and Punitive Damage Relief and Opposition to any Dismiss Motions Defendants Plan to File, (Doc. #63), be denied; the plaintiff’s Motion for Default, (Doc. #72), be denied as premature; the plaintiff’s Motion for Injunction, (Doc. #120), be denied; and that the plaintiff’s Motion for Affirmative Injunction, (Doc. #141), be denied. (Doc. #191). The Magistrate Judge further recommends that the Clerk of Court be directed to make an Entry of Default as to Defendant Anderson & Shaw Hardwod Flooring, Inc. (Doc. #191). The defendant filed objections to the

Report. (Doc. #198). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #191). For the reasons articulated by the Magistrate Judge, the the plaintiff's Motion for Contempt of Court Requesting Compensatory and Punitive Damages, (Doc. #54), is **DENIED**; the plaintiff's Motion for Compensatory and Punitive Damage Relief and Opposition to any Dismiss Motions Defendants Plan to File, (Doc. #63), is **DENIED**; the plaintiff's Motion for Default, (Doc. #72), is **DENIED** as premature; the plaintiff's Motion for Injunction, (Doc. #120), is **DENIED**; and that the plaintiff's Motion for Affirmative Injunction, (Doc. #141), is **DENIED**. The Clerk of Court is hereby directed to make an Entry of Default as to Defendant Anderson & Shaw Hardwod Flooring, Inc.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

September 20, 2010  
Florence, South Carolina